

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

14CV0280

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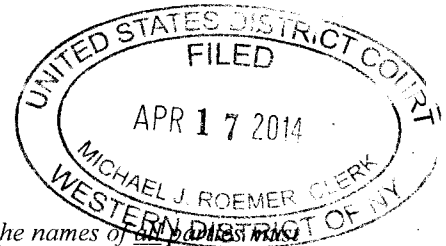
1. CAPTION OF ACTION

A. **Full Name And Prisoner Number of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. Anderson Romero #06A0077

2. _____

VS



B. **Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed. R. Civ. P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Thomas LaValley

3. _____

2. Brown, Dep. of Security

5. Tamer, Sgt

6. _____

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. § 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff:

Anderson Romero 06A0077

Present Place of Confinement Address:

Clinton Correctional Facility P.O.

Name and Prisoner Number of Plaintiff:

Box 2001 Dannemora 12929

Present Place of Confinement Address:

DEFENDANT'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of Defendant: Thomas LaValley Supt.
(If applicable) Official Position of Defendant: Superintendent
(If applicable) Defendant is Sued in Individual and/or ☒ Official Capacity
Address of Defendant: Clinton Corr facility P.O. Box 2001
Dannemora 12929
Name of Defendant: Brown
(If applicable) Official Position of Defendant: D.S.S.
(If applicable) Defendant is Sued in Individual and/or ☒ Official Capacity
Address of Defendant: Same Address

Name of Defendant: Tamer T
(If applicable) Official Position of Defendant: Sgt.
(If applicable) Defendant is Sued in Individual and/or ☒ Official Capacity
Address of Defendant: Same Address

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes _____ No X

If Yes, complete the next section: NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:
Plaintiff(s): _____
Defendant(s): _____
2. Court (if federal court, name the district; if state court, name the county):

3. Docket or index Number: _____
4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☒ No _____

If not, give the approximate date it was resolved: _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

____ By court *sua sponte* as frivolous, malicious OR for failing to state a claim upon which relief can be granted;

____ By court for failure to exhaust administrative remedies;

____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

____ By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

____ plaintiff

____ defendant.

B Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes ☒ No _____

If Yes, complete the next section: NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case? _____

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved: _____

A. **FIRST CLAIM:** On (date of incident) 6-9-12 Clinton C.f. yard
 defendant (give the name and position held of each defendant involved in this incident) On 6-9-12 I
was waiting for the early go back from the
yard at Clinton Correction facility

Did the following to me (briefly state what each defendant named above did): Sgt and C.O's
fail to protect me in Clinton yard I had got
cut by a inmate on my right side of my face
I was put in IPC E-block 4 Company #12 Cell
On 7-7-12 in E-block 4 Company 12 Cell I had
got Assaulted by Sgt Tamer 7⁰³ Shift and some
C.O's beat me up and send me to Champlain Physicians Hosp.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Equal Protection

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes ☒ No If yes, what was the result? _____

Did you appeal that decision? _____ Yes ☒ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: my Property was
Stolen from my Cell e-4-12 IPC On 7-7-12

A. **SECOND CLAIM:** On (date of incident) _____
 defendant (give the name and position held of each defendant involved in this incident) _____

Affidavit of Service

STATE OF NEW YORK)
COUNTY OF CHEMUNG) ss:

I, Anderson Romero #06Acc 77, being duly sworn, deposes and says, that I am the Petitioner herein, and that on the date of notarization indicated below, I have place in a sealed, post-paid, wrapper a true and exact copy of the enclosed papers, Identified as:

_____, and Affidavit of Service, by placing same in U.S. Mailbox in Southport Correctional Facility for delivery to the United States Postal Service, and that such parcels were addressed to the parties indicated below:

Respectfully Submitted,

Anderson Romero
(Sign Name in Front of Notary)
Anderson Romero pro se
(Print Name)

Southport Correctional Facility
P.O. Box 2000
Pine City, N.Y. 14871

Sworn and subscribed to before me on
this 11th day of April, 2014.

Herman Liebson
Notary Public

HERMAN LIEBSON
Notary Public, State of New York
Notary Co. Reg. No. 01116038
Commission Expires January 18, 18

VERIFICATION

STATE OF NEW YORK)
)ss:
COUNTY OF CHEMUNG)

I, Anderson Romero being duly sworn, deposes and says:

I am the Petitioner in this action. I have read, and I am familiar with, the contents of the foregoing _____

_____ and the content thereof is true to my own knowledge, except as to matters therein stated on information and belief and as to those matters I believe them to be true.

Dated: _____

Respectfully Submitted,

Anderson Romero
Anderson Romero
Southport Correctional Facility
236 Bob Masia Dr., P.O. Box 2000
Pine City, N.Y. 14871-2000

Sworn to and subscribed before me this

11th day of April, 2014.

Herman Liebson
Notary Public

HERMAN LIEBSON
Notary Public, State of New York
Chemung Co. Reg No 0116034
Commission Expires January 18, 2018